

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval
For
Other Than Full and Open Competition

1. **Contracting Activity:** : Department of Veterans Affairs, VISN 8, James A Haley VA Medical Center (JAHVAH)
2. **Nature and/or Description of the Action Being Processed:** This is a request for other than full and open competition for the procurement of BioSense Webster Ablation Catheters. Transaction #: 673-13-2-074-0332
 Total: \$67407.00
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This request for the procurement of the Ablation Catheters Bioscience Webster. These devices are exclusive in their design and characteristics as well as being instrument specific. Because of the devices' construction and inherent physical characteristics, competing products may not replace them without the possibility of causing additional complications during surgery.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
 - ☐ (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
 - ☒ (2) Unusual and Compelling Urgency per FAR 6.302-2;
 - ☐ (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
 - ☐ (4) International Agreement per FAR 6.302-4
 - ☐ (5) Authorized or Required by Statute FAR 6.302-5;
 - ☐ (6) National Security per FAR 6.302-6;
 - ☐ (7) Public Interest per FAR 6.302-7;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** BioSense Webster Ablation Catheters are the standard in our surgical area and our surgeons have been trained in their usage. The fact that a surgery is scheduled on Feb, 2013; precludes the normal procedure for competition on these devices.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** There are no other vendors who offer the Ablation Catheters device manufactured by Johnson and Johnson. The only company able to meet the needs of the operating room for this expendable item is Johnson and Johnson as it is proprietary.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Price is determined to be fair and reasonable by reviewing pricing from past procurements and through market research of what other government agencies pay for the same items.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** No other manufacturer provides the same Ablation Catheters device for this brand. No additional research was conducted because this item is required because of the current equipment in the Cath Lab., no other devices will work with this equipment currently used at the James A. Haley Veteran's Hospital. Items are required for a surgical procedures scheduled for Feb.2012 and would directly affect the health of a patient if the procurement is delayed.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** It is likely that award to any other source for a similar item would result in unacceptable delays associated with soliciting prospective vendors and evaluating offers to ultimately meet Government requirements.

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** None. See Section VI above.

11. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:** Due to the emergency nature of this order for a surgery, and the fact these items are of a proprietary nature and patented; there is very little that can be done to overcome barriers to completion at this time. Future acquisitions will need to evaluate if a competing product has been developed and/or the patent has expired.

12. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

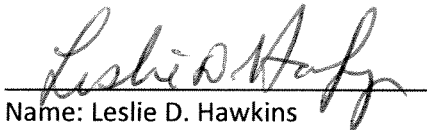
Name Dennis Martinez
Title Inventory Manager

Date Feb 11, 2013

Facility James A Haley

13. **Approvals in accordance with FAR 6.304** *This part is filled out by Contracting Staff as part of the Justification*

a. **Contracting Officer's Certification:** (required) I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.


Name: Leslie D. Hawkins

Contracting Officer
Facility: JAHVH

2-11-13
Date

b. **Product Line Supervisor (PLS):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.


Name: Michael W. Wilson

Contracting Officer, Team Lead
Facility: JAHVH

2-12-13
Date

c. **DNCM/NCM:** (SAT to \$500,000) I certify the justification meets requirements for other than full and open competition.

Mitchell Thomas
Network Contract Manager
VISN 8

Date

- d. **SAO:** I certify the justification meets requirements for other than full and open competition.

Jeff Ryan
Director
Service Area Office, East

Date

- e. **VHA HCA Review and Approval:** (over \$500,000) I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (over \$50 million), approve (up to \$ 50 million) for other than full and open competition.

HCA
Chief Procurement and Logistics Officer
VHA Head of Contracting Activity (HCA)

Date

- f. **VA Deputy Senior Procurement Executive Approval (over \$10 not exceeding \$50 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

Iris B. Cooper
Deputy Senior Procurement Executive (DSPE)
Office of Acquisition and Logistics
Department of Veterans Affairs

Date

- g. **VHA Senior Procurement Executive Approval (over \$50 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

Jan R. Frye
Deputy Assistant Secretary for Acquisition and Logistics
Senior Procurement Executive (SPE)
Department of Veterans Affairs

Date